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HANSEN BEVERAGE COMPANY  
7

8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
10

11 HANSEN BEVERAGE COMPANY, a  
Delaware corporation,

12  
13 Petitioner,

14 v.

15 DSD DISTRIBUTORS, INC., a Wisconsin  
corporation

16 Respondent.  
17

CASE NO. 08-CV-0619 LAB (RBB)

**HANSEN BEVERAGE COMPANY'S  
OBJECTION TO REQUEST FOR JUDICIAL  
NOTICE and COUNTER-REQUEST IN  
SUPPORT OF ITS OPPOSITION TO THE  
MOTION TO DISMISS OR STAY**

Date: June 9, 2008  
Time: 11:15 a.m.

Hon. Larry A. Burns

18 **I.**

19 **OBJECTION TO REQUEST FOR JUDICIAL NOTICE**

20 The motion to dismiss or stay filed by Respondent DSD Distributors, Inc. ("DSD")  
21 asks the Court to take judicial notice of exhibits attached to the Declaration of Leila Nourani  
22 ("Nourani Decl."). The exhibits are marked "Exhibit A" through "Exhibit F." DSD's Motion,  
23 p.2, n1; Nourani Decl. Petitioner Hansen Beverage Company ("Hansen") objects to the  
24 request only as it pertains to Exhibit A to the Nourani Decl., and only because that exhibit is  
25 partial and incomplete.

26 The Nourani Decl. describes Exhibit A as "DSD's Notice of Motion and Motion for  
27 Partial Vacation of Arbitration Award and supporting Affidavit of Julie Lewis (**and relevant**  
28 **exhibits thereto**), stamped filed in the Wisconsin Circuit Court on April 4, 2008." Nourani

Decl., ¶ 2 (emphasis added). The Affidavit of Julie Lewis ("Lewis Affidavit") refers to and describes its own Exhibits A through L. However, the Nourani Decl. attaches only some of those Lewis Affidavit exhibits, omitting Exhibits A and F through L. Hansen therefore objects to the incomplete submission, and requests, as set forth below, that the Court take judicial notice of the complete document.

## II.

### HANSEN'S COUNTER-REQUEST FOR JUDICIAL NOTICE

Hansen requests judicial notice of the following documents attached to the Declaration of Tanya M. Schierling In Support of Hansen Beverage Company's Opposition to the Motion to Dismiss or Stay:

Exhibit "1" DSD's Notice of Motion and Motion for Partial Vacation of Arbitration Award and supporting Affidavit of Julie Lewis, including **all exhibits** thereto, dated April 4, 2008 and filed in the Wisconsin Circuit Court, Rock County, Case No. 07-CV-1120 (the "Wisconsin Court Action").

Exhibit "2" DSD's "Verified Complaint and Request for Declaratory Judgment and Injunctive Relief" filed July 20, 2007 in the Wisconsin Court Action.

Exhibit "3" Judge Forbeck's April 30, 2008 letter ruling in the Wisconsin Court Action.

DATED: May 23, 2008

SOLOMON WARD SEIDENWURM & SMITH, LLP

By: /s/ Tanya M. Schierling  
RICHARD E. MCCARTHY  
TANYA M. SCHIERLING  
Attorneys for Petitioner Hansen Beverage  
Company

**CERTIFICATE OF SERVICE**

I caused the **HANSEN BEVERAGE COMPANY'S OBJECTION TO REQUEST FOR JUDICIAL NOTICE and COUNTER-REQUEST IN SUPPORT OF ITS OPPOSITION TO THE MOTION TO DISMISS OR STAY** to be served in the following manner:

**Electronic Mail Notice List**

The following are those who are currently on the list to receive e-mail notices for this case.

**Electronic Mail Notice List**

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